

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

AUG 14 2000

DAVID J. MALAND, CLERK

BY
DEPUTY _____

Plaintiff,

v.

Defendants and Third-Party Plaintiffs,

V.

Third-Party Defendants.

CIVIL ACTION NO. 6:00-CV442-WMS

Third-Party Defendant Principal Life Insurance Company (“Principal Life”) submits this answer and counterclaim to the Defendant’s Original Third-Party Petition and states:

ANSWER

1. With respect to the allegations in paragraph I, admits, on information and belief, that Defendants/Third-Party Plaintiffs are Texas corporations; admits, for purposes of this action only, that Principal Life has been properly served with process; and states that

it lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations and therefore denies them.

2. With respect to the allegations in paragraph II, states that Plaintiff's Original Petition speaks for itself; states that it is without sufficient knowledge or information to form a belief as to whether any of Plaintiff's allegations are true; states that Defendants/Third-Party Plaintiffs Original Answer speaks for itself; but states that the allegations are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to their truth.

3. States that the allegations in paragraph III are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them; but states, on information and belief, that many of these claims likely relate to employee welfare benefit plans.

4. States that the allegations in paragraph IV are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

5. States that the allegations in paragraph V are so vague and ambiguous that Principal Life lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

6. Denies that Third-Party Plaintiffs are entitled to any relief requested in their prayer.

7. Denies all allegations not specifically admitted.
8. To the extent Third-Party Plaintiffs claims relate to employee welfare benefit plans, their state law claims are preempted by ERISA.

COUNTERCLAIM

9. To the extent any of the Third-Party Plaintiffs' claims relate to an employee welfare benefit plan, Principal Life seeks to recover from Third-Party Plaintiffs all of its reasonable and necessary attorney's fees and court costs pursuant to 29 U.S.C. § 1132(g).

PRAAYER

10. Principal Life respectfully requests the following relief:

- (a) that Third-Party Plaintiffs take nothing on their claim against Principal Life;
- (b) that Principal Life be dismissed with its attorney's fees and costs of court;
- (c) that Principal Life have all such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: 

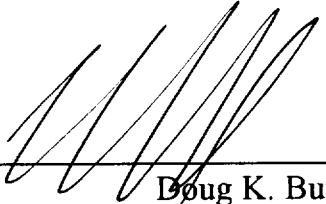
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ATTORNEYS FOR THIRD-PARTY
DEFENDANT PRINCIPAL LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served via certified mail, return receipt requested, on the individuals listed on the attached Service List, on this 10th day of August, 2000.


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